

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD ANDREW,
Petitioner,

V.

KENNETH NELSON,
Respondent.

Civil Action No. 04-11895-REK

MOTION TO DISMISS

Respondent Kenneth Nelson moves that this petition for writ of habeas corpus be dismissed pursuant to 28 U.S.C. § 2244(d)(1), because it was filed more than eleven years after the conviction it challenges became final.

For this reason, and for the reasons set forth in the accompanying Memorandum of Law in Support of Respondent's Motion to Dismiss, respondent respectfully requests that this petition be dismissed with prejudice.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

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ATTORNEYS FOR RESPONDENT

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